

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

B. CAROL GLOVER,

Plaintiff,

No. CV-11-210-HU

v.

WACHOVIA EQUITY SERVICING, LLC,  
NORTHWEST TRUSTEE SERVICES, INC.,  
WELLS FARGO HOME MORTGAGE,  
and ROUTH CRABTREE OLSEN, P.C.,

ORDER

Defendants..

HERNANDEZ, District Judge:

Magistrate Judge Hubel issued a Findings and Recommendation (#48) on July 18, 2011, in which he recommends that the Court (1) grant all of the parties' requests to take judicial notice of certain documents; (2) grant defendants' motions to dismiss; and (3) deny plaintiff's motions to strike and for a more definite statement.

Plaintiff timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered plaintiff's objections and conclude that the objections do not provide a basis to modify the Findings and Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

After Magistrate Judge Hubel filed the Findings & Recommendation, plaintiff moved for "Attorney General Intervention" pursuant to 28 U.S.C. § 2403(b) which allows a state to intervene in a federal court proceeding in which the state, or any agency, officer, or employee of the state is not a party, and when the constitutionality of any statute of that state affecting the public interest is "drawn into question." 28 U.S.C. § 2403(b). I deny the motion because with the adoption of the Magistrate Judge's Findings & Recommendation, this action is now dismissed with prejudice. Furthermore, neither the Complaint nor plaintiff's objections to the Findings & Recommendation raise any challenge to the constitutionality of an Oregon statute. Finally, the plain language of the statute indicates that in those cases to which the statute applies, the federal court is directed to notify the state's attorney general that the constitutionality of the subject statutes is being challenged and then allow the state to intervene. The statute does not contemplate that the federal court order the state's attorney general to intervene.

### CONCLUSION

The Court ADOPTS Magistrate Judge Hubel's Findings and Recommendation (#48) and, therefore, all motions by all parties asking the Court to take judicial notice of various documents [#16, 32, 35] are granted; the motion to dismiss by defendants Northwest Trustee Services and Routh, Crabtree, Olsen [#11] is granted; the motion dismiss by defendants Wachovia and Wells Fargo [#30] is granted; plaintiff's motion to strike [#37] is denied; and plaintiff's motion for more definite statement [#38] is denied. Additionally, plaintiff's motion for attorney general intervention [#52] is denied. Plaintiff's claims are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 26th day of August, 2011.

/s/ Marco A. Hernandez  
MARCO A. HERNANDEZ  
United States District Judge